

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the matter of:

Numbering Resource Optimization

CC Docket 99-200

Implementation of the Local
Competition Provisions of the
Telecommunications Act of 1996

CC Docket No. 96-98

**COMMENTS OF THE UTILITY REFORM NETWORK (TURN) ON THE
PETITION OF THE CALIFORNIA PUBLIC UTILITIES COMMISSION
FOR AUTHORITY TO IMPLEMENT TECHNOLOGY-SPECIFIC
OVERLAY AREA CODES AND REQUEST FOR EXPEDITED
TREATMENT**

The Utility Reform Network (TURN) hereby submits these Comments on the California Public Utilities Commission (CPUC) Petition for Authority to Implement Technology-Specific Overlay Area Codes.

TURN is a nonprofit, consumer organizations that has represented the interests of California's residential and small business telecommunications, electricity and gas customers for the past 30 years. While much of our work takes place before the California Public Utilities Commission, TURN is a member of the National Association of State Utility Consumer Advocates (NASUCA) and participates in the development and crafting of NASUCA resolutions, and comments in numerous proceedings before the Federal Communications Commission (FCC).

In its Petition, the CPUC asks the Commission for authority to implement a technology-specific or specialized overlay (SO), limited to two specific geographic areas in southern California. TURN urges the FCC to grant the CPUC’s Petition so that the CPUC may move quickly to take further steps to conserve numbering resources in the 310 and 909 area codes.

I. THE CPUC’S PETITION MEETS THE CRITERIA SET FORTH IN THE FCC’S THIRD REPORT AND ORDER FOR SPECIALIZED OVERLAYS.

The issue of SO’s was addressed by the Commission in its *Third Report and Order and Second Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200 (Third Report & Order)*. In this order, the FCC determined that state commissions seeking to implement SO’s could “request delegated authority to do so on a case-by-case basis”.¹ The Commission established the criteria that a state must address in a petition for such authority. The California petition clearly meets these criteria and should be granted.

A. California’s Petition is Consistent with the Commission’s Requirements re Non-Geographic Based Services.

The *Third Report and Order* stipulates that in proposing an SO, states must “include and retain non-geographic based services” in the SO “as a means to further

¹ *Third Report & Order*, ¶¶ 67, 79.

reduce the demand.”² The proposals set forth in the CPUC’s petition are consistent with this requirement.

Under California’s proposal, the numbers assigned to the SOs would be “all ‘transparent’ or ‘non-geographic’ numbers that would otherwise be assigned to the underlying NPAs,” including numbers used for services such as On-Star and E-fax, and numbers that would be assigned to modems or fax machines. The latter requirement would only apply to businesses with over fifty access lines; and would not apply to residential customers or businesses with fewer than fifty access lines. The CPUC is well aware that it will need to grapple with implementation issues associated with this proposal.³ TURN supports the CPUC’s request that the FCC grant it flexibility in resolving these issues. The CPUC is intimately familiar with the particular circumstances of California’s numbering situation, and the effects that numbering decisions have on all segments of the general public and the telecommunications industry; and is, therefore, well positioned to resolve the implementation issues arising from its proposal in a manner most beneficial to the public interest.

Under the CPUC’s plan, the SO would include existing NXX codes held by all wireless carriers, except for paging companies. These would be moved from the 310 and 909 numbering plan areas (NPAs) to the SO. Under this proposal, customers with assigned numbers in NXX codes currently in the 310 and 909 NPAs would be able to keep their seven-digit telephone numbers, and would only have a change to their area

² *Third Report & Order*, ¶ 82.

code. TURN agrees with the CPUC that this proposal would not constitute a “take back” of numbers from wireless customers.⁴ Wireless customers would retain their seven digit telephone number, although their area code would change. This is equivalent to the situation that would exist following an area code split, rather than a “take back”.

B. The CPUC Proposes an SO Covering More than One Area Code.

The CPUC’s petition is consistent with the Commission’s determination, in its *Third Report and Order*, that SOs covering more than one area code reduce the demand for numbers in multiple area codes, and are therefore more effective at optimizing numbering resources than SO’s covering only one area code.⁵ Both SOs proposed by the CPUC would cover multiple underlying area codes.⁶

Crucially, under the CPUC plan, the rate centers for the SO would match the rate centers for each of the underlying area codes. If the rate centers did not match, the result would most likely be rating and routing problems -- and associated billing issues -- that would cause serious problems for customers and carriers, alike. TURN concurs with the CPUC that “matching rate centers would avoid rating and routing problems, and associated billing problems that would arise if rate centers do not match.”⁷

³ CPUC Petition, at 3.

⁴ CPUC Petition, at 5.

⁵ *Third Report & Order*, ¶ 83.

⁶ CPUC Petition, at 4-5.

⁷ CPUC Petition, at 6.

C. The CPUC’s Proposed SOs are Transitional and Therefore Consistent with the Commission’s Third Report and Order.

In its *Third Report and Order*, the Commission noted its preference for SOs to be transitional in nature because transitional SOs limit the potentially discriminatory effects associated with permanent SOs.⁸ The CPUC’s proposal meets this criterion. The proposed SOs would be implemented on a transitional basis, in effect for two years, following which time they would convert to all-services overlays.

D. The FCC Should Permit the CPUC to Implement SO’s with Seven Digit Dialing.

The CPUC is requesting authorization to implement two SOs with seven-digit dialing. Although the FCC has stated that its preference is for ten-digit dialing in SOs, nonetheless, in the in the *Third Report & Order*, the Commission stated that it “will not necessarily require ten-digit dialing, at least not until we are better able to determine whether a temporary waiver of the ten-digit dialing requirement in any way increases the use and effectiveness of SOs.”⁹ TURN respectfully requests that the FCC grant the CPUC’s request for authority to implement a “permanent seven-digit dialing requirement within area codes in the geographic areas covered by the overlays.”¹⁰

Ten digit dialing was implemented due to competitive concerns which, as the CPUC points out, have since diminished in California, thanks in part to the efforts of the

⁸
⁹ *Id.* at ¶ 84.
¹⁰ *Third Report & Order*, ¶ 92.

CPUC, acting on authority granted by the FCC.¹¹ California has been at the forefront of efforts to implement measures intended to maximize the use of numbering resources in ways that both satisfy the needs of carriers for numbers, while mitigating the need for unnecessary area code splits and overlays (e.g., thousand block pooling).

While the competitive issues that prompted the FCC to state a preference for ten-digit dialing have been mitigated, mandatory ten-digit dialing was then -- and still remains -- a serious, and sometimes expensive, inconvenience for telecommunications customers. The problems caused by ten-digit dialing prompted the California legislature to amend the California Public Utilities Code to require the CPUC to request FCC permission to adopt SOs with seven-digit dialing. The legislation was passed in response to an outpouring of public concern about area code changes and ten-digit dialing. The actions of the California legislature in this regard should not be taken lightly. The legislature reached its decision after carefully considering the needs of telecommunications carriers operating in California and the needs of the general public, and after weighing the evidence it came down squarely on the side of seven-digit dialing.

II. CONCLUSION

Numbering issues are, as the Commission well knows, extremely thorny. California has been at the epicenter of some of the most difficult numbering problems in the United States. The CPUC, acting in accordance with the authority granted by the

¹⁰ CPUC Petition, at 9.
¹¹ CPUC Petition, at 11-12.

Commission, has been at the forefront of aggressive, innovative efforts to maximize the use of precious numbering resources, and has succeeded in these efforts to the betterment of customers. TURN urges the Commission to grant the CPUC's petition so that it may continue this important work.

Respectfully submitted,

REGINA COSTA

By: /s/ Regina Costa

Regina Costa

711 Van Ness Ave. Ste. 350
San Francisco, CA 94102
Phone: (415) 929-8876 ext. 312
Fax: (415) 929-1132

Telecommunications Research Director
The Utility Reform Network (TURN)

November 25, 2002